IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 576 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JAGDISH S PATEL & 12 - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR BIREN A VAISHNAV for Petitioner(s) : 1 - 7,9 - 13.
NOTICE SERVED BY DS for Respondent(s) : 1 - 2.
MS MAITHILI MEHTA ASST. GOVERNMENT PLEADER for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 09/11/2006

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioners have challenged the action of the respondents in directing the petitioners to give their willingness for appearing in

the examinations under Rule 27 of the Bombay State Reserve Police Force Rules, 1959 as amended by notification dated 2-12-1991.

2. It was the contention of the petitioners that they cannot be compelled to appear in examination after completion of 45 years age. This Court passed the interim order restraining the respondents from compelling the petitioners in appearing at the departmental examination, if they have completed 45 years of age.

3. This petition was ordered to be heard along with Special Civil Application No.101 of 1997 and in view of the subsequent notification issued by the Home Department, State of Gujarat dated 26-5-1998, whereby rule 27 of the aforesaid Rules has been substituted, this Court disposed off the said Special Civil Application by observing that the grievance of the petitioners no more survive. In view of the subsequent notification dated 26-5-1998, whereby rule 27 of the Gujarat State Reserve Police Force Rules, 1959 has been substituted, the grievance of the petitioners will not survive and in view of the above Shri Vaishnav, learned advocate appearing on behalf of the petitioners does not press the present

petition, however, requested to reserve liberty to approach this Court in case of difficulty.

4. In view of the above, this petition is disposed off as not pressed with above liberty. Rule is discharged. Ad interim relief, if any stands vacated forthwith. No costs.

(M.R.SHAH,J.)

shekhar/-